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IN THE

Supreme Court of the United States

OCTOBER TERM, 1940.

No. 140.

ALMA F. BIRCKNER, *Petitioner,*

v.

ROBERT TILCH, et. al.

PETITION FOR REHEARING BY PETITIONER.

WILLIAM J. O'MAHONY,
Attorney for Petitioner.

T. EMMETT MCKENZIE,
Of Counsel.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

INDEX.

Page

I. The Court Has Erred in Failing to Expressly Set Forth Its Reasons for Denying the Petition for Writ of Certiorari 2

Conclusion 3

IN THE

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OCTOBER TERM, 1940.

No. 140.

ALMA F. BIRCKNER, *Petitioner,*

v.

ROBERT TILCH, et. al.

On Writ of Certiorari to the Supreme Court of Maryland.

PETITION FOR REHEARING BY PETITIONER.

To the Honorable Chief Justice and the Associate Justices of the Supreme Court of the United States:

Alma F. Birckner, petitioner in this Court, by her attorneys, presents her petition for rehearing of the judgment of October 13, 1941, and asks that a rehearing be granted to her in the above entitled cause, and that upon such rehearing the judgment and decree of the Supreme Court of the State of Maryland be reversed and that the

cause be remanded to the Supreme Court of the State of Maryland, with directions to reverse the decree of the Circuit Court for Prince George's County, Maryland.

Respectfully submitted,

WILLIAM J. O'MAHONY,
Attorney for Petitioner.

T. EMMETT MCKENZIE,
Of Counsel.

In this petition for rehearing no repetition of the legal contentions and propositions advanced in the petition for Writ of Certiorari shall be set forth. Point I has been drawn by counsel for petitioner. Points II, III, and IV are set forth in the petitioner's own language.

I.

The Court Has Erred in Failing to Expressly Set Forth Its Reasons for Denying the Petition for Writ of Certiorari.

The subject matter of the instant cause has no great material value. The proceedings do not immediately concern the affairs of great numbers of citizens.

In the life of the petitioner the cause is of tremendous importance. He feels, and according to the law of the land, rightly so, that he has been deprived of property without due process of law.

A firm believer in both the letter and spirit of Constitutional Government, he has petitioned this Court for a ruling in his cause.

In a day when governmental process has become increasingly and progressively a matter of unelucidated fiat your petitioner seeks only to know the reasons underlying the court's decision.

He knows the time of the Court is much engaged. He knows the Court is not interested, or at least not disposed, to concern itself with affairs of no public interest.

He feels that any encroachment upon the rights of the most humble citizen—without regard to amounts in controversy—is matter of public interest; and therefore files this petition.

II.

The estate, spoilation of which amounting to several thousand Dollars is being attempted, as set forth in the record submitted with said petition, is in part the property of minors.

III.

Petitioner's legal rights have been consistently denied and infringed upon in a number of cases, including the one here under consideration, in which your petitioner as well as her late uncle, the testator Richard Stein, have been virtually treated as judicial outcasts.

IV.

The judgment of the Supreme Court of the State of Maryland sanctioned a departure by the Circuit Court of Prince George's County, Maryland, far departed from the accepted and usual course of judicial proceedings and calls for an exercise of this Court's power of supervision.

Conclusion.

Petitioners respectfully suggest that the denial of the petition for Writ of Certiorari is based upon a misconstruction of the decision of the Maryland Supreme Court.

The decision and opinion of this Court will serve to discourage attempts to deprive the citizen of his property without due process of law.

Petitioners respectfully suggest that a rehearing be granted in this cause.

Respectfully submitted,

WILLIAM J. O'MAHONY,
Attorney for Petitioner.

T. EMMETT MCKENZIE,
Of Counsel.

CERTIFICATE OF COUNSEL.

I, William J. O'Mahony, attorney for the petitioner, do hereby certify that the foregoing petition for rehearing is presented in good faith and not for delay.

WILLIAM J. O'MAHONY.